

all levels of local, State, and Federal Governments. Of the many gracious comments I have heard about Phil, none characterize him better than a statement made by the managing partner at his firm. "He's a very gracious fellow . . . a very likable person. He's a gentlemanly character."

In Federalist Number 78, Alexander Hamilton wrote that Judges are the guardians of the constitution, "The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body."

Phil Figa is the guardian we need on the bench of the District Court for the District of Colorado. He will serve our Nation with the utmost of respect to our country and our constitution, and for this, I urge my colleagues to vote favorably on his confirmation.

Phillip Figa is somebody who has been reviewed by his peers in Colorado. He has been reviewed by the American Bar Association. He will be a very good individual for the bench and he has bipartisan support.

I yield the remainder of our time.

Mr. LEAHY. Mr. President, I yield the remainder of my time.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Phillip Figa, who has been confirmed to the United States District Court for the District of Colorado.

Mr. Figa graduated from Cornell Law School in 1976. He then entered private practice with Sherman & Howard, where he primarily worked on commercial litigation, general business matters and municipal bond work.

In 1980, Mr. Figa became a partner at Burns & Figa, P.C. The firm maintained a boutique litigation practice emphasizing complex commercial litigation, especially antitrust, contract, real estate and other business-related disputes. Mr. Figa's practice also included representing lawyers and law firms in a variety of malpractice, ethics, attorney fee and disciplinary contexts. Since 1991, Mr. Figa has broadened his practice areas to include environmental litigation, trademark, oil and gas, health care and employment litigation. Mr. Figa has also served as an expert witness in the areas of legal ethics, standard of care of lawyers, conflicts of interest, malpractice and attorneys fees.

Mr. Figa enjoys the strong support of his home state senators, and I am pleased to join them in support of his nomination.

The PRESIDING OFFICER. All time has expired.

The question is, will the Senate advise and consent to the nomination of Phillip S. Figa, of Colorado, to be United States District Judge for the District of Colorado?

The nomination was confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are laid on the table, and the President shall be immediately notified of the Senate's action.

Mr. LEAHY. Mr. President, tonight we voted unanimously to confirm four district court nominees: William Hayes and John Houston to be U.S. District Judges for the Southern District of California, Robert Clive Jones to be a U.S. District Judge for the District of Nevada, and Phillip Figa to be a U.S. District Judge for the District of Colorado.

I commend the Republican leadership for finally bringing the nominations of William Hayes and John Houston of California to the floor. These two nominees will be filling vacancies on the busiest district court in the nation. The two seats which these men will fill have been created to address the growing crisis to the border court in San Diego—the federal court with the highest caseload per judge in the nation. It is too bad that the Republican leadership chose to move nominees from Oklahoma and Texas ahead of these California nominees who are desperately needed by the people of the Southern District of California due to the high caseload of that court.

I would also note that the way in which these nominees have come forth should be used as a model for the White House to emulate in other States and circuits. Senator DIANE FEINSTEIN and Senator BARBARA BOXER worked hard to establish a bipartisan commission in California which has recommended these individuals for the Southern District of California. I am happy to be able to join the two California Senators in confirming these two new judges.

At the conclusion of the confirmation votes tonight, a total of 64 judicial nominees of President Bush will be confirmed this year. Adding that to the 100 confirmations during 17 months of the Democratic majority in the Senate, 164 of President Bush's judicial nominees have been confirmed thus far. This number of confirmations, 164, is significantly higher than Republicans allowed by the third year of President Clinton's second term, the most recent presidential term, when they allowed 135 judicial nominees of that president to be appointed from 1997 through the end of 1999.

It also should be noted that when I became chair of the Judiciary Committee on July 10, 2001, the Democrats inherited 110 vacant seats in the Federal judiciary. In the 17 months of Democratic control, we significantly reduced the vacancy rate by confirming 100 of President Bush's judicial nominees. Today, there are only 41 vacancies on the Federal courts. This is the lowest level reached in 13 years. Had we not created 15 new seats this year, that number would be even lower—down to 26.

In just the past week, Senate Democrats have worked with the Republicans to confirm 10 district court judges and 1 circuit court judge. There are a lot of accusations of delay being thrown around but the truth is in these plain numbers. With more full-time Federal judges on the bench today than any other time in U.S. history, the confirmation process is moving forward and judges are being confirmed expeditiously with support from Democrats on the Judiciary Committee and in the full Senate.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. DASCHLE. Mr. President, we have been discussing the schedule. Everyone now has agreed Senator DODD will offer an amendment. It is our understanding he will require about 20 minutes to make his presentation. The manager of the bill wants 5 minutes to respond. It is our expectation a vote will occur on the Dodd amendment in about 25 minutes. My preference is to ask unanimous consent to lock it in so this does not get extended to 15 or 20 minutes more.

I propound that request, that a vote occur on or in relation to the Dodd amendment at 7:40.

Mr. WYDEN. My understanding is we will have the Dodd amendment, a vote on that, and right after that vote we have a vote on the Collins-Wyden amendment, which we hope will go on voice.

Mr. STEVENS. Yes.

Mr. DASCHLE. I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 71, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 71) providing for a conditional adjournment or recess of the Senate.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 71) was agreed to, as follows:

#### S. CON. RES. 71

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, October 3, 2003, on a motion

offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Tuesday, October 14, 2003, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

# EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004—Continued

AMENDMENTS NOS. 1818 AND 1819, EN BLOC

Mr. BYRD. I ask unanimous consent that two amendments which I have discussed with Mr. STEVENS be introduced, that they be considered as having been read, and that they be temporarily set aside for the calling up of other amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that amendment No. 1818 be introduced by me for myself, Mr. KENNEDY, and Mr. LEAHY and that amendment No. 1819 be shown as having been proposed by me on behalf of myself and Mr. DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

## AMENDMENT NO. 1818

On page 38, between lines 20 and 21, insert the following:

SEC. 2313. (a)(1) Of the funds appropriated under chapter 2 of this title under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(A) not more than \$5,000,000,000 may be obligated or expended before April 1, 2004; and

(B) the excess of the total amount so appropriated over \$5,000,000,000 may not be obligated or expended after April 1, 2004, unless—

(i) the President submits to Congress in writing the certifications described in subsection (b); and

(ii) Congress enacts an appropriations law (other than this Act) that authorizes the obligation and expenditure of such funds.

(2) Paragraph (1) does not apply to the \$5,136,000,000 provided under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" for security, including public safety requirements, national security, and justice (which includes funds for Iraqi border enforcement, enhanced security communications, and the establishment of Iraqi national security forces and the Iraq Defense Corps).

(b) The certifications referred to in subsection (a)(1)(A) are as follows:

(1) A certification that the United Nations Security Council has adopted a resolution (after the adoption of United Nations Security Council Resolution 1483 of May 22, 2003, and after the adoption of United Nations Security Council Resolution 1500 of August 14, 2003) that authorizes a multinational force under United States leadership for post-Saddam Hussein Iraq, provides for a central role for the United Nations in the political and economic development and reconstruction of Iraq, and will result in substantially increased contributions of military forces and

amounts of money by other countries to assist in the restoration of security in Iraq and the reconstruction of Iraq.

(2) A certification that the United States reconstruction activities in Iraq are being successfully implemented in accordance with a detailed plan (which includes fixed timetables and costs), and with a significant commitment of financial assistance from other countries, for—

(A) the establishment of economic and political stability in Iraq, including prompt restoration of basic services, such as water and electricity services;

(B) the adoption of a democratic constitution in Iraq;

(C) the holding of local and national elections in Iraq;

(D) the establishment of a democratically elected government in Iraq that has broad public support; and

(E) the establishment of Iraqi security and armed forces that are fully trained and appropriately equipped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces.

(c) Not later than March 1, 2004, the President shall submit to Congress a report on United States and foreign country involvement in Iraq that includes the following information:

(1) The number of military personnel from other countries that, as of such date, are supporting Operation Iraqi Freedom, together with an estimate of the number of such personnel to be in place in Iraq for that purpose on May 1, 2004.

(2) The total amounts of financial donations pledged and paid by other countries for the reconstruction of Iraq.

(3) A description of the economic, political, and military situation in Iraq, including the number, type, and location of attacks on Coalition, United Nations and Iraqi military, public safety, and civilian personnel in the 60 days preceding the date of the report.

(4) A description of the measures taken to protect United States military personnel serving in Iraq.

(5) A detailed plan, containing fixed timetables and costs, for establishing civil, economic, and political security in Iraq, including restoration of basic services, such as water and electricity services.

(6) An estimate of the total number of United States and foreign military personnel that are necessary in the short term and the long term to bring to Iraq stability and security for its reconstruction, including the prevention of sabotage that impedes the reconstruction efforts.

(7) An estimate of the duration of the United States military presence in Iraq and the levels of United States military personnel strength that will be necessary for that presence for each of the future 6-month periods, together with a rotation plan for combat divisions, combat support units, and combat service support units.

(8) An estimate of the total cost to the United States of the military presence in Iraq that includes—

(A) the estimated incremental costs of the United States active duty forces deployed in Iraq and neighboring countries;

(B) the estimated costs of United States reserve component forces mobilized for service in Iraq and in neighboring countries;

(C) the estimated costs of replacing United States military equipment being used in Iraq; and

(D) the estimated costs of support to be provided by the United States to foreign troops in Iraq.

(9) An estimate of the total financial cost of the reconstruction of Iraq, together with—

(A) an estimate of the percentage of such cost that would be paid by the United States and a detailed accounting specified for major categories of cost; and

(B) the amounts of contributions pledged and paid by other countries, specified in major categories.

(10) A strategy for securing significant additional international financial support for the reconstruction of Iraq, including a discussion of the progress made in implementing the strategy.

(11) A schedule, including fixed timetables and costs, for the establishment of Iraqi security and armed forces that are fully trained and appropriately equipped and are able to defend Iraq and carry out other security duties without the involvement of the United States Armed Forces.

(12) An estimated schedule for the withdrawal of United States and foreign armed forces from Iraq.

(13) An estimated schedule for—

(A) the adoption of a democratic constitution in Iraq;

(B) the holding of democratic local and national elections in Iraq;

(C) the establishment of a democratically elected government in Iraq that has broad public support; and

(D) the timely withdrawal of United States and foreign armed forces from Iraq.

(d) Every 90 days after the submission of the report under subsection (c), the President shall submit to Congress an update of that report. The requirement for updates under the preceding sentence shall terminate upon the withdrawal of the United States Armed Forces (other than diplomatic security detachment personnel) from Iraq.

(e) The report under subsection (c) and the updates under subsection (d) shall be submitted in unclassified form.

## AMENDMENT NO. 1819

At the appropriate place in Title III, insert the following:

### SECTION .

(a) None of the funds under the heading Iraq Relief and Reconstruction Fund may be used for: a Facilities Protection Service Professional Standards and Training Program; any amount in excess of \$50,000,000 for completion of irrigation and drainage systems; construction of water supply dams; any amount in excess of \$25,000,000 for the construction of regulators for the Hawizeh Marsh; any amount in excess of \$50,000,000 for a witness protection program; Postal Information Technology Architecture and Systems, including establishment of ZIP codes; civil aviation infrastructure cosmetics, such as parking lots, escalators and glass; museum and memorials; wireless fidelity networks for the Iraqi Telephone Postal Company; any amount in excess of \$50,000,000 for construction of housing units; any amount in excess of \$100,000,000 for an American-Iraqi Enterprise Fund; any amount in excess of \$75,000,000 for expanding a network of employment centers, for on-the-job training, for computer literacy training, English as a Second Language or for Vocational Training Institutes or catch-up business training; any amount in excess of \$782,500,000 for the purchase of petroleum product imports.

(b) Notwithstanding any other provision of this Act, amounts made available under the heading Iraq Relief and Reconstruction Fund shall be reduced by \$600,000,000.

(c) In addition to the amounts otherwise made available in this Act, \$600,000,000 shall be made available for Operation and Maintenance, Army: *Provided*, That these funds are available only for the purpose of securing and destroying conventional munitions in Iraq, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles.